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THE STATUS OF THE IMPLEMENTATION OF THE PLAN FOR
THE ONGOING MONITORING AND VERIFICATION OF IRAQ'S
COMPLIANCE WITH RELEVANT PARTS OF SECTION C OF
SECURITY COUNCIL RESOLUTION 687 (1991)

Report of the Secretary-General

Introduction

1. The present report is submitted in pursuance of paragraph 8 of Security Council resolution 715 (1991) adopted on 11 October 1991. This requests the Secretary-General and the Director General of the IAEA to submit to the Security Council reports, when requested and at least every six months after the adoption of the resolution, on the implementation of the plans approved under resolution 715 (1991), for the ongoing monitoring and verification of Iraq's compliance with relevant parts of Section C of Security Council resolution 687 (1991). The paragraphs below provide information, for the first six-month period, on the implementation of the plan to be carried out by the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991). This plan itself contains, in paragraph 25, the same reporting requirements on the implementation of the plan as the Council's resolution 715 (1991).
2. The Special Commission's monitoring and verification plan is contained in document S/22781/Rev.1.. It covers the long-term monitoring and verification of Iraq's compliance with its unconditional obligations under Section C of resolution 687 (1991) not to use, retain, possess, develop, construct or otherwise acquire any weapons or related facilities and items prohibited under paragraphs 8 and 9 of that resolution relating to proscribed ballistic missiles, chemical and biological weapons and facilities. Monitoring and verification under the plan will need to cover not only military but also those civilian sites, facilities, material and other items or activities that could be used in contravention of these obligations of Iraq under resolution 687 (1991). For that purpose the plan provides for inspections in Iraq, aerial overflights and submission of information by Iraq so that the Special Commission would be able to monitor and verify that no chemical or biological weapons, ballistic missiles with a range greater than 150 kilometres, or any

other facilities and items prohibited under resolution 687 (1991) were reacquired.

3. Under paragraph 5 of resolution 715 (1991), Iraq is required to meet unconditionally all its obligations under the plan and to cooperate fully with the Special Commission in carrying out the plan.

4. The first practical steps to be taken by Iraq under the plan were the submission, by 10 November 1991, of (a) initial information on the specific dual-purpose activities, facilities and items outlined in the plan and its annexes; and (b) a report on the legislative and administrative measures taken to implement resolutions 687 (1991), 707 (1991), other relevant Security Council resolutions and the plan. Iraq is further obliged to update the information in (a) above each 15 January and 15 July, and to report further on (b) when requested by the Special Commission. Ongoing monitoring and verification can only be carried out effectively if the Special Commission has the clearest picture of what Iraq's capabilities have been in the development, production and acquisition of weapons of mass destruction and prohibited ballistic missiles and what items, facilities and materials were at its disposal or would be from time to time acquired which, while devoted to civilian activities, could be converted with relative ease to proscribed military uses.

Developments during the period 11 October 1991-8 April 1992

5. Iraq's position on resolution 715 (1991) and the monitoring and verification plan approved thereunder was formally stated in a letter of 19 November 1991 which the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council. In the letter Iraq did not recognize any obligations under resolution 715 (1991) and strongly attacked the plan, claiming that it was "aimed at objectives incompatible with the letter and spirit of the United Nations Charter, the norms of international law and international and humanitarian pacts and covenants". In the view of the Special Commission, this position is tantamount to a rejection of the resolution and the plan.

6. Only in late November did the Special Commission receive from Iraq a document that was stated in the letter of 19 November of the Minister for Foreign Affairs of Iraq to be "the information required under resolution 687 (1991) that comes under the mandate of the Special Commission". As described in paragraph 5 above, the letter does not recognize that Iraq has any obligations under resolution 715 (1991) and the plans approved thereunder. Instead Iraq arrogated to itself the right to decide what information it would provide to the Special Commission and, in this respect, the document transmitted to the Special Commission did little more than repeat information already supplied. It thus fell well short of the information required under the monitoring and verification plan. No information was provided by Iraq, as required by the plan, on the legislative and administrative measures taken to implement resolutions 687 (1991), 707 (1991), other relevant Security Council resolutions and the plan.

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7. The Executive Chairman of the Special Commission in a letter, dated 20 December 1991, to the Permanent Representative of Iraq to the United Nations stated that the Special Commission could not accept that the document provided by Iraq with the letter of 19 November constituted the submission of information required under Security Council resolution 715 (1991). He further stressed that Iraq's attitude was a serious obstacle to the implementation of the monitoring and verification of Iraq's compliance with its obligations under resolution 687 (1991). In the letter Iraq was requested to rectify the situation immediately and fulfil its obligations under resolution 715 (1991) and the monitoring and verification plan. The Special Commission asked Iraq to provide by 15 January 1992 all the information and data specified in the plan.

8. Iraq has failed to respond to these requests, and has not provided its first semi-annual declaration which under the plan was due from it on 15 January 1992. No notifications on specific activities, as stipulated by the plan, were communicated by Iraq to the Special Commission.

9. The failure by Iraq to acknowledge its obligations under resolution 715 (1991) and to comply with the monitoring and verification plan was reported to the Security Council in the Secretary-General's notes and reports (S/23268, S/23514, S/23606, S/23643 and S/23687) which also referred to steps taken by the Special Commission to seek Iraq's compliance with Security Council resolution 715 (1991) and the plan.

10. As part of these efforts the Special Commission, at the end of January 1992, sent a special mission headed by two members of the Commission to Baghdad to underline the Commission's most serious concern with Iraq's failure to comply with the resolution 715 (1991) and the plan. Iraq, at the level of the Minister of State for Foreign Affairs, reiterated that the Government maintained its position expressed in the letter of 19 November.

11. In view of the attitude maintained by Iraq the Special Commission reported on 18 February to the Security Council (S/23606) its conclusion that "Iraq has no intention of meeting its obligations under the plans approved under, and the provisions included in, Security Council resolution 715 (1991)".

12. On 19 February 1992, the President of the Security Council issued a statement on behalf of the members of the Council which noted that "ongoing monitoring and verification of Iraq's obligations is an integral part of Security Council resolution 687 (1991), which established a cease-fire and provided the conditions essential to the restoration of peace and security in the region". The statement of 19 February also determined that Iraq's failure to acknowledge its obligations under resolution 715 (1991) and its rejection of the two plans for ongoing monitoring and verification constituted a continuing material breach of the relevant provisions of resolution 687 (1991). The members of the Council supported the decision of the Secretary-General to dispatch a special mission headed by the Executive Chairman of the Special Commission to visit Iraq immediately to meet and

discuss with the highest levels of the Government of Iraq for the purpose of securing the unconditional agreement by Iraq to implement all its relevant obligations under resolutions 687 (1991), 707 (1991) and 715 (1991).

13. The special mission headed by the Executive Chairman of the Special Commission was immediately dispatched and held talks with the Government of Iraq on 21, 22 and 23 February. The report on the proceedings and outcome of the mission's visit was communicated to the Security Council by a note of the Secretary-General of 26 February (S/23643). This report contained amongst its conclusions the statement by the Executive Chairman that he was not able to report to the Council that he had secured from the highest levels of the Government of Iraq unconditional agreement by Iraq to implement all its relevant obligations under Security Council resolutions 687 (1991), 707 (1991) and 715 (1991).

14. In order to achieve its objectives, the special mission specifically urged Iraq to acknowledge its obligations under resolution 715 (1991) and the plans approved under it as well as to take specific steps to implement its obligations such as submission of declarations required under the plans and an undertaking that Iraq would cooperate to ensure implementation of the plans. In response, Iraq stated that it did not reject the plans for ongoing monitoring and verification approved under Security Council resolution 715 (1991). In elaborating on this statement, Iraq indicated that it had accepted only the principle of ongoing monitoring and verification, and that this was subject to considerations of sovereignty, territorial integrity, national security and non-infringement on Iraq's industrial capabilities. The Executive Chairman could not conclude that such a statement constituted unconditional agreement by Iraq to implement its obligations under the plans for ongoing monitoring and verification.

15. On 28 February the President of the Security Council issued a statement in which the members of the Council approved in full the conclusions of the special mission, and deplored and condemned, *inter alia*, the failure of Iraq to comply with the plans for ongoing monitoring and verification approved by resolution 715 (1991). The statement reiterated the Council's determination that Iraq's behaviour constituted a material breach of resolution 687 (1991) and demanded that Iraq immediately implement all its obligations under Council resolution 687 (1991) and subsequent related resolutions.

16. Through the report of the Secretary-General on the status of compliance by Iraq with the obligations placed upon it under certain of the Security Council resolutions (S/23687), the Special Commission informed the Council on 7 March that the most important outstanding matters include: failure by Iraq to acknowledge its obligations under Council resolution 715 (1991) and under the plans approved by this resolution; failure by Iraq to agree to implement unconditionally all its obligations under resolution 715 (1991); and failure by Iraq to provide the declarations required under the plans for ongoing monitoring and verification. This information was brought to the attention of the Security Council in the statement made by the President of the Council at the opening of the 3059th meeting on 11 March.

17. The Security Council met on 11 and 12 March to consider all aspects of Iraq's compliance with resolution 687 (1991) and other relevant resolutions. The Executive Chairman of the Special Commission in his statement before the Council reiterated that Iraq's position towards the plans for ongoing monitoring and verification could not be understood otherwise than as rejection.

18. On 11 March, the Deputy Prime Minister of Iraq expressed before the Council Iraq's readiness to reach a practical solution to the question of the Security Council's verification of Iraq's capabilities to produce the weapons prohibited by resolution 687 (1991), while underlining the need for respect for Iraq's sovereignty and national security. He stated that "the understanding by the Security Council of the logical and legitimate principles, basis and requests which we have presented will naturally lead to an objective, equitable and just implementation of the substantive obligations placed upon Iraq in resolutions 707 (1991) and 715 (1991), in a manner which will satisfy the Council".

19. At the conclusion of the meeting of the Security Council on 12 March, the President of the Council made a statement indicating that, in the view of the Security Council, the Government of Iraq had not yet complied fully and unconditionally with its obligations, must do so and must immediately take the appropriate actions in this regard. The Council expressed its hope that the goodwill expressed by the Deputy Prime Minister of Iraq would be matched by deeds.

20. Following the consideration in the Security Council of Iraq's compliance with the relevant resolutions, officials from the Office of the Executive Chairman of the Special Commission met on 12 and 13 March with an Iraqi technical team. The Commission explained in detail to the team what it expected of Iraq by way of implementation of the plan for ongoing monitoring and verification (S/22871/Rev.1). In response to Iraq's requests the Special Commission provided during the meetings detailed explanations as to the format and modalities required by the plan for its implementation under its different sections and annexes. The delegation of Iraq promised to provide, by early April, the information under the plan except on the sources of imported items and on operational employment or disposition of relevant weapons. The Special Commission stressed that the information should be provided in full as required by the plan. The team handed over, by way of example, certain preliminary material on the content of Iraq's future official declarations. After review of the material, the Special Commission found that information contained therein did not meet the requirements of the plan and it therefore informed Iraq that the material needed further work to ensure that the declarations to be submitted by Iraq corresponded - both in substance and in format - to the requirements of the plan for ongoing monitoring and verification. As of 8 April no declarations or information as required by the plan has been received from Iraq by the Special Commission.

21. The Special Commission communicated on 20 December to Iraq that it would not be in a position to decide upon the requests of Iraq for the reuse of

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certain dual-purpose items until it received all information and data under the plan for ongoing monitoring and verification, and obtained clear and unequivocal acceptance by Iraq of resolution 715 (1991) and the plan. Any such items that might be released by the Special Commission for reuse, after being rendered harmless, need to be covered by appropriate monitoring and verification procedures envisaged in the plan.

Conclusions

22. At the moment the Special Commission has to report that, despite the Commission's best endeavour, it was not possible to begin the practical implementation of the plan for ongoing monitoring and verification (S/22871/Rev.1) approved by resolution 715 (1991) because of the positions maintained by Iraq since the adoption of this resolution. It is apparent that during the period covered in this report Iraq was not in compliance with Security Council resolution 715 (1991) nor with the plan.

23. Without clear acknowledgement by Iraq of its obligations under Security Council resolution 715 (1991) and the plans approved thereunder, as well as without its agreement to implement unconditionally these obligations the Special Commission will be neither legally nor practically able to initiate and operate effectively the monitoring and verification plan contained in document S/22871/Rev.1. There would be no assurances on the full implementation of resolution 715 (1991) as envisaged by the Security Council and Iraq's position would still be a matter of great concern. In the absence of these steps on the part of Iraq the credibility of Iraq's declarations on its capabilities related to resolution 715 (1991) would be greatly undermined. As the statement, dated 19 February, of the President of the Security Council on behalf of the Council members indicated, unconditional agreement by Iraq to implement its obligations under resolution 715 (1991) is one of the essential preconditions to any reconsideration by the Council under paragraphs 21 and 22 of resolution 687 (1991) of the prohibitions referred to in those paragraphs.

24. The Security Council in its resolution 715 (1991) demanded that Iraq meet unconditionally all its obligations under the plan for ongoing monitoring and verification (S/22871/Rev.1) and cooperate fully with the Special Commission in carrying out the plan. If Iraq adopts such an approach and abides by its obligations, then the practical implementation of the plan could proceed in a smooth and unobtrusive manner, on a routine basis and without unnecessarily hampering or delaying the normal activities at locations which would be inspected. The full cooperation, complete initial and periodic declarations and goodwill of the Government of Iraq will be the determining factor.

25. Along with a clear acknowledgement by Iraq of its obligations under resolution 715 (1991) and the plans approved thereunder, the immediate step required to start the proper operation of the plan for ongoing monitoring and verification (S/22871/Rev.1) is for Iraq to file with the Special Commission the initial declarations required under the plan. If and when Iraq's declarations are received, the Special Commission will evaluate them in order

to determine the extent to which they meet the requirements - both in format and in substance - of the plan. Such declarations are essential so that the Special Commission will be in a position to begin and carry out effectively its inspections and other monitoring and verification activities under the plan of the nature and scope approved by the Security Council.
